Express Mail # ER 593 030 235 US

Docket No. END 897 DIV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants

Seth A. Foerster et al.

Serial No.

December 12, 2003

Examiner:

Art Unit:

For

Filed

METHODS AND DEVICES FOR DEFINING

AND MARKING TISSUE

Commissioner for Patents MS Patent Application PO Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

> In accordance with §1.97(b), since this Information Disclosure Statement is [X] being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing

date of a first Office Action after the filing of a request for continued examination							
under §1.114, no additional fee is required.							
[] In accordance with §1.129(a), this Information Disclosure Statement is							
being filed in connection with [] the first or [] second After Final Submission,							
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hereby petition(s) for consideration of this Information Disclosure Statement.							
Included are: Statement in Accordance with §1.97(e) as set forth below and the fee							
of \$180.00 as set forth in \$1.17(p).							
[] Copies of each of the references listed on the attached Form PTO-1449 are							
enclosed herewith.							
[X] Copies of references listed on the attached Form PTO-1449 are enclosed							
herewith EXCEPT THAT:							
[X] Copies of references listed on the attached PTO Form 1449 were							
previously cited by or submitted to the Patent and Trademark Office in prior							
application. US Serial No. 10/213,638 filed August 7, 2002 to which this							
application claims priority.							

	[] In view of the voluminous nature of references [list as appropriate],
	and the likelihood that these references are available to the Examiner, copies
	are not enclosed herewith.
	[] If any of the foregoing publications are not available to the
	Examiner, Applicant will endeavor to supply copies at the Examiner's
	request.
[]	There are no listed references which are not in the English language.
	[] The relevance of those listed references which are not in the English
	language is as follows:
[]	Attached are copies of search report(s) from corresponding patent application(s).
	[] Attached are the following non-published pending patent applications which
	may be deemed relevant.
	Please charge any deficiency or credit any overpayment to Deposit Account No. 10-
0750/END 89	P7DIV2/GSG.
	Respectfully submitted,
	<u> </u>

Reg. No. 34,342 Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (513) 337-3535

Dated: December 12, 2003

PTO/SB/08A (08-00) Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE espond to a collection of information unless it displays a valid OMB control num

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U.S. PATENT DOCUMENTS

		U.S. Patent Document					
Examiner Initials	Cite No. ¹	Kind Code ² Number (if known)		Name of Patentee or Applicant of Cited Document		Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		RE 34,936		Campbell et al.		5/9/95	ALL
		3,120,230		Skold		10/24/60	ALL
		3,945,375		Banko		3/23/76	ALL
		3,958,576		Komiya		5/25/76	ALL
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		4,832,685		Haines		5/23/89	ALL
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		5,018,530		Rank et al.		5/28/91	ALL
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				U.S. PATENT DOCUMENTS		
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		5,025,797		Baran	6/25/91	ALL
		5,108,407		Gerenia et al.	4/28/92	ALL
		5,112,299		Pascaloff	5/12/92	ALL
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		U.S. Patent Document				
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		5,209,232		Levene	5/11/93	ALL
		5,217,478		Rexroth	6/8/93	ALL
		5,221,269	_	Miller et al.	6/22/93	ALL
		5,226,911		Chee et al.	7/13/93	ALL
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		5,329,635		Smith	6/14/94	ALL
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		EPO	0 350 043	B1	Palestrant et al.	19.	08.92	ALL		
		EPO	0 481 685	A1	Miller et al.	22.	04.92	ALL		
		PCT	90/15576	A1	Rank et al.	27.	12.90	ALL		
		PCT	93/19803	A1	Heath et al.	14/	10/93	ALL		
		GB	2 132 091	A	Norton et al.	7/4	/84	ALL		
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λ	<u> </u>	4,197,846		Bucalo	04/15/80	ALL
		4,247,406		Widder et al.	01/27/81	ALL
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		wo	00/24320 ;	A1	Esposito et al.	05-04-2000	ALL	-
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		LEE and KNOCHEL; Technical Developments and Instrumentation: Air as an Ultrasound Contrast Marker for Accurate Determination of Needle Placement; Radiology 143; June 1982; pp 787-788 SULLIVAN; Perspective: Needle Core Biopsy of Marnmographic Lesions; AJR vol 162, March 1994 (received 9/20/1993) pp 601-608.	
	-	YANDOW and MATALLANA; Gas Contrast Guided Needle Biopsy of the Head of the Pancreas; Radiology vol. 137, November 1980; pp 549 – 544.	 .
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First Named Inventor	S. Foerster et al.
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Examiner Initials	Cite No.1	U.S. Patent Do	Kind Code ² (if known	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Cohumns, Lines, where relevant passages or relevant figures appear
		4,086,914		Moore, Edwin Bailey	05/78	ALL
		4,402,308	<u> </u>	Scott, Walter P.	09/83	ALL
		4,709,703		Lazarow et al.	12/87	ALL
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<u> </u>		5,358,474		Kaldany, Antoine	10/94	ALL
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		S.S. Kramer et al; "Permanent Flad	lopaque Marker Technique for the Study	of Pharyngeal Swallowi	ng In Doge Dumbert	
		HOME et at "The Georgenhia Oliv	Anniak kilden a di la di	·	ı	
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1 Unique citation designation number 2 See stached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WPO Standard ST.3). 4 Por Japanese patent document, the indication of the year of the reign of the Emperor must precede the aerial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if Documents to the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any or required to complete this form should be sent to the Chief information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

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> > Sheet 6 of 7

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	1	U.S. Patent Document	U.S. PATENT DOCUMENTS	7	
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		6,174,330 B1	Stinson	01/16/2001	ALL
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		Cite No.¹ Office³ WO -WO	Cite No.1 Office³ Number⁴ Kin WO 00/78228A1 WO 98/10712	Cite No.1 Office3 Number4 KindCode5 WO 00/78228A1 WO 98/10712	Cite Name of Patentee or Applicant of Cited Document WO 00/78228A1 CHIN SING et al. WO 98/10712 SCARBOROUGH, Nelson, L.;	Cite Name of Patentee or Applicant of Cited Document mm-dd-yyyy WO 00/78228A1 CHIN SING et al. 28-12-2000 WO 98/10712 SCARBOROUGH, Nelson, L.; 19-03-1998	Cite No. 1 Office Number KindCode Applicant of Cited Document WO 0078228A1 CHIN SING et al. WO 98/10712 SCARBOROUGH, Nelson, L.; WO 95/13746 HACCA Line Some Application of Cited Document mm-dd-yyyy where relevant passages or relevant figures appear ALL WO 95/13746 HACCA Line Some Application of Cited Document mm-dd-yyyy where relevant figures appear ALL ALL	

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Examiner Initials	Cite No.1	Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages of relevant figures appear
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